United Nations A/57/569

General Assembly

Distr.: General
11 November 2002
English
Original: Arabic

Fifty-seventh session
Agenda item 162

International convention against the reproductive cloning of human beings

Report of the Sixth Committee

Rapporteur: Mr. Karim **Medrek** (Morocco)

I. Introduction

1. The item entitled "International convention against the reproductive cloning of human beings" was included in the provisional agenda of the fifty-seventh session of the General Assembly pursuant to Assembly resolution 56/93 of 12 December 2001.

2. At its 19th plenary meeting, on 20 September 2002, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 16th, 17th, 25th, 26th and 28th meetings, held on 17 and 18 October and 5, 6 and 7 November 2002. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/57/SR.16, 17, 25, 26 and 28).

4. Pursuant to paragraph 3 of General Assembly resolution 56/93, the Committee, at its 1st meeting, established a working group to continue the work of the Ad Hoc Committee on an International Convention against the Reproductive Cloning of Human Beings with a view to elaborating a mandate for the negotiation of an international convention against the reproductive cloning of human beings, including a list of the existing international instruments to be taken into consideration and a list of legal issues to be addressed in the convention. At the same meeting, the Committee elected Peter Tomka (Slovakia), who had served as Chairman of the Ad Hoc Committee, also as Chairman of the Working Group. The Working Group held seven meetings, from 23 to 27 September 2002.

02-68494 (E) 131102

5. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Ad Hoc Committee on an International Convention against the Reproductive Cloning of Human Beings;[1]

(b) Report of the Working Group established pursuant to General Assembly resolution 56/93 (A/C.6/57/L.4).

6. At the 16th meeting of the Committee, on 17 October, the Chairman of the Working Group introduced the report of the Ad Hoc Committee and the report of the Working Group (see A/C.6/57/SR.16).

II. Consideration of proposals

A. Draft resolution A/C.6/57/L.8 and Corr.1

7. At the 16th meeting, on 17 October, the representative of Germany, on behalf of Belarus, Belgium, Brazil, Canada, China, Cuba, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Norway, Slovenia and Switzerland, introduced a draft resolution entitled "International convention against the reproductive cloning of human beings" (A/C.6/57/L.8 and Corr.1), which read:

"*The General Assembly*,

"*Recalling* the Universal Declaration on the Human Genome and Human Rights, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 11 November 1997, and in particular article 11 thereof, which states that practices which are contrary to human dignity, such as reproductive cloning of human beings, shall not be permitted,

"*Recalling also* its resolution 53/152 of 9 December 1998, by which it endorsed the Universal Declaration on the Human Genome and Human Rights,

"*Bearing in mind* Commission on Human Rights resolution 2001/71 of 25 April 2001 entitled 'Human rights and bioethics', adopted by the Commission at its fifty-seventh session,

"*Mindful* of the importance of the development of the life sciences for the benefit of mankind, with full respect for the integrity and dignity of the human being,

"*Aware* that the rapid development of the life sciences opens up tremendous prospects for the improvement of the health and the restoration of human dignity of individuals and mankind as a whole, but also that certain practices pose potential dangers to the integrity and dignity of the individual,

"*Concerned* by the seriousness of problems posed by the development of techniques of reproductive cloning of human beings applied to mankind, which may have consequences for respect for human dignity,

[1] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 51* (A/57/51).

"*Particularly concerned*, in the context of practices that are contrary to human dignity, at recently disclosed information on research into and attempts at the reproductive cloning of human beings,

"*Determined* to prevent, as a matter of urgency, such an attack on the human dignity of the individual,

"*Recalling* its resolution 56/93 of 12 December 2001, by which it decided to establish an Ad Hoc Committee, open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, for the purpose of considering the elaboration of an international convention against the reproductive cloning of human beings,

"*Resolved* to address issues related to other forms of human cloning, including through the elaboration of an appropriate separate international instrument, as soon as negotiations on a convention against the reproductive cloning of human beings have been concluded,

"*Bearing in mind* that this purpose does not preclude the possibility of States parties adopting stricter national regulations,

"*Determined* to adopt provisional measures at the national level to prevent potential dangers to the human dignity of the individual pending the adoption and entry into force of an international convention against the reproductive cloning of human beings and any other instrument in the field of cloning of human beings,

"1. *Welcomes* the report of the Ad Hoc Committee on an International Convention against the Reproductive Cloning of Human Beings on its work from 25 February to 1 March 2002;

"2. *Decides* that the Ad Hoc Committee shall be reconvened from ___to ___ February and from ___ to ___ September 2003 in order to prepare, as a matter of urgency and if possible by the end of 2003, a draft international convention against the reproductive cloning of human beings;

"3. *Requests* the Ad Hoc Committee, in developing the draft convention:

(a) To consider, inter alia, the following indicative elements: scope, definitions, prohibition of reproductive cloning of human beings, national implementation, including penalties and preventive measures, jurisdiction, promotion and strengthening of international cooperation and technical assistance, collection, exchange and analysis of information and mechanisms for monitoring implementation;

(b) To specify that the prohibition of reproductive cloning of human beings does not imply the endorsement of any other form of cloning of human beings for any purpose;

(c) To ensure that States parties shall not be prevented from adopting or maintaining stricter regulations on the prohibition of cloning of human beings than those contained in the draft convention;

"4. *Requests* the Ad Hoc Committee to take into consideration the relevant existing international instruments;

"5. *Decides* that it will consider, as a priority, proposals to address issues related to other forms of cloning of human beings, including one or more appropriate separate international instruments, as soon as negotiations on a draft international convention prohibiting the reproductive cloning of human beings have been concluded;

"6. *Invites*, to that end, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization to start elaborating, without delay, in close cooperation with the appropriate United Nations bodies, a joint preparatory document outlining from a scientific and ethical perspective the relevant issues to be considered, inter alia, the current state of the art of the human cloning technologies and the possible dual use of the existing non-human cloning techniques, and to submit this document no later than the end of 2003;

"7. *Calls upon* those States which have not yet done so, pending the entry into force of an international convention against the reproductive cloning of human beings and their becoming party thereto, to adopt at the national level a prohibition of reproductive cloning of human beings;

"8. *Also calls upon* those States which have not yet done so to adopt at the national level a moratorium on or a prohibition of, other forms of cloning of human beings that are contrary to human dignity;

"9. *Requests* the Secretary-General to provide the Ad Hoc Committee with the facilities necessary for the performance of its work;

"10. *Invites* the Ad Hoc Committee to take into consideration the contributions of United Nations bodies and to closely involve the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the United Nations Conference on Trade and Development in the process of negotiations;

"11. *Requests* the Ad Hoc Committee to report on its work to the General Assembly at its fifty-eighth session;

"12. *Decides* to include in the provisional agenda of its fifty-eighth session the item entitled 'International convention against the reproductive cloning of human beings'."

B. Draft resolution A/C.6/57/L.3/Rev.1 and Corr.1

8. At the 16th meeting, on 17 October, the representative of Spain, on behalf of the Philippines, Spain and the United States of America, introduced a draft resolution entitled "International convention against the reproductive cloning of human beings" (A/C.6/57/L.3) and orally revised the title to read "International convention against human cloning". A revised draft resolution entitled "International convention against human cloning" (A/C.6/57/L.3/Rev.1 and Corr.1) was subsequently issued. The revised draft resolution was sponsored by Antigua and Barbuda, Argentina, Costa Rica, Dominica, the Dominican Republic, El Salvador, Eritrea, Ethiopia, Fiji, Georgia, Grenada, Honduras, Italy, Kazakhstan, Kenya, Kyrgyzstan, Lesotho, the Marshall Islands, Micronesia (Federated States of), Nicaragua, Nigeria, Panama, Paraguay, the Philippines, Saint Kitts and Nevis, Saint

Lucia, Saint Vincent and the Grenadines, Spain, Suriname, Tajikistan, Timor-Leste, Tonga, Turkmenistan, Tuvalu, the United States of America, Uzbekistan and Vanuatu.

9. The changes introduced by draft resolution A/C.6/57/L.3/Rev.1 and Corr.1 related solely to operative paragraph 2, which in draft resolution A/C.6/57/L.3 had read:

> "2. *Requests* the Ad Hoc Committee to prepare, as a matter of urgency, the draft text of an international convention against human cloning, bearing in mind that it does not prohibit the use of nuclear transfer or other cloning techniques to produce DNA molecules, organs, plants, tissues, cells other than human embryos or animals other than humans".

10. Draft resolution A/C.6/57/L.3/Rev.1 and Corr.1 read as follows:

> "*The General Assembly*,
>
> "*Recalling* the Universal Declaration on the Human Genome and Human Rights, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 11 November 1997, and in particular article 11 thereof, which states that practices which are contrary to human dignity, such as the reproductive cloning of human beings, shall not be permitted,
>
> "*Recalling also* its resolution 53/152 of 9 December 1998, by which it endorsed the Universal Declaration on the Human Genome and Human Rights,
>
> "*Bearing in mind* Commission on Human Rights resolution 2001/71 of 25 April 2001, entitled 'Human rights and bioethics', adopted at the fifty-seventh session of the Commission,
>
> "*Mindful* of the importance of the development of the life sciences for the benefit of mankind with full respect for the integrity and dignity of the human being,
>
> "*Mindful also* that certain practices pose potential dangers to the integrity and dignity of the individual,
>
> "*Concerned* at recently disclosed information on research into and attempts at the creation of human beings through cloning processes,
>
> "*Determined* to prevent as a matter of urgency such an attack on the human dignity of the individual,
>
> "*Conscious* of widespread preoccupations that the human body and its parts should not, as such, give rise to financial gain,
>
> "*Recalling* its resolution 56/93 of 12 December 2001, by which it decided to establish an Ad Hoc Committee, open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, for the purpose of considering the elaboration of an international convention against the reproductive cloning of human beings,
>
> "*Determined* to adopt permanent and provisional measures, as appropriate, to prevent potential dangers to the human dignity of the individual,

"1. *Welcomes* the report of the Ad Hoc Committee on an International Convention against the Reproductive Cloning of Human Beings on its work from 25 February to 1 March 2002;

"2. *Requests* the Ad Hoc Committee to be reconvened from 24 March to 4 April 2003 and prepare, as a matter of urgency, the draft text of an international convention against human cloning, bearing in mind that it will not prohibit the use of nuclear transfer or other cloning techniques to produce DNA molecules, organs, plants, tissues, cells other than human embryos or animals other than humans, and recommends that the work continue during the fifty-eighth session of the General Assembly from 29 September to 3 October 2003 within the framework of a working group of the Sixth Committee;

"3. *Also requests* the Ad Hoc Committee, in developing the draft convention, to consider, inter alia, the following indicative elements:

(a) Scope;

(b) Definitions;

(c) The objective;

(d) Implementation;

(e) Preventive measures;

(f) Jurisdiction;

(g) Promotion and strengthening of international cooperation;

(h) Exchange of information;

(i) Mechanisms for monitoring implementation;

"4. *Solemnly declares* that, pending the adoption of an international convention against human cloning, States shall not permit any research, experiment, development or application in their territories or areas under their jurisdiction or control of any technique aimed at human cloning;

"5. *Calls upon* States to adopt such measures as may be necessary to prohibit those techniques of genetic engineering that may have adverse consequences on the respect for human dignity;

"6. *Requests* the Secretary-General to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

"7. *Invites* the Ad Hoc Committee to take into consideration the contributions of United Nations agencies and competent international organizations, as well as other relevant bodies of international opinion in the process of negotiations;

"8. *Requests* the Ad Hoc Committee to report on its work to the General Assembly at its fifty-eighth session;

"9. *Decides* to include in the provisional agenda of its fifty-eighth session an item entitled 'International convention against human cloning'."

C. Draft decision A/C.6/57/L.24

11. At the 26th meeting, on 6 November, the Chairman of the Committee, on behalf of the Bureau, introduced a draft decision entitled "International convention against the reproductive cloning of human beings" (A/C.6/57/L.24).

12. At the 28th meeting, on 7 November, the Committee adopted draft decision A/C.6/57/L.24 without a vote (see para. 14) and decided not to take action on any other proposals.

13. Before the adoption of the draft decision, the representative of the Sudan made a statement. After the adoption of the draft decision, statements were made by the representatives of Mexico, the Republic of Korea, Germany (also on behalf of France), Costa Rica, Spain, San Marino and Ethiopia (see A/C.6/57/SR.28).

III. Recommendations of the Sixth Committee

14. The Sixth Committee recommends to the General Assembly the adoption of the following draft decision:

International convention against the reproductive cloning of human beings

The General Assembly:

(a) Welcomes the report of the Ad Hoc Committee on an International Convention against the Reproductive Cloning of Human Beings on its work from 25 February to 1 March 2002[2] and the report of the Working Group of the Sixth Committee established pursuant to General Assembly resolution 56/93 of 12 December 2001 on its work from 23 to 27 September 2002;[3]

(b) Decides that a working group of the Sixth Committee shall be convened during the fifty-eighth session of the General Assembly from 29 September to 3 October 2003 in order to continue the work undertaken during the fifty-seventh session;

(c) Decides also to include in the provisional agenda of its fifty-eighth session the item entitled "International convention against the reproductive cloning of human beings".

---

[2] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 51* (A/57/51).
[3] A/C.6/57/L.4.